

OFFICE OF THE CLERK  
UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

**INSTRUCTIONS REGARDING APPLICATION FOR ADMISSION TO PRACTICE PRO HAC VICE**

Revised November 1, 2011; changes are highlighted

Pursuant to Local Rule 180(b)(2) of the United States District Court for the Eastern District of California, made applicable in bankruptcy cases and proceedings by Local Bankruptcy Rule 1001-1(c), an attorney who is not a member of the California State Bar, but who is a member in good standing of, and eligible to practice before, the bar of any United States Court or of the highest court of any State or of any Territory or Insular possession of the United States, who is of good moral character, and who has been retained to appear in this Court, may upon written application and in the discretion of the Court, be permitted to appear and participate in a particular case. Attorneys who (1) reside in California, (2) are regularly employed in California, or (3) are regularly engaged in business, professional, or other activities in California are not eligible for admission to practice pro hac vice.

Application for admission to practice in this court pro hac vice shall be made by the attorney seeking admission ("applicant") using form EDC 2-600, *Application for Admission to Practice Pro Hac Vice*, or similar document, that states under penalty of perjury: (1) the attorney's residence, office address, and state bar membership number; (2) by what court(s) the attorney has been admitted to practice and the date(s) of admission; (3) that the attorney is in good standing and eligible to practice in said court(s); (4) that the attorney is not currently suspended or disbarred in any other court(s); and (5) if concurrently or within the year preceding the current application the attorney made any pro hac vice application to this Court, the title and the number of each matter wherein application was made, the date of the application, and whether or not the application was granted. The attorney shall also designate in the application a member of the bar of this Court who is registered to use the bankruptcy court's electronic filing system, with whom the Court and opposing counsel may readily communicate regarding the conduct of the case, and upon whom papers shall be served. The address, telephone number, and written consent of designated local counsel shall be filed with the application. See Local Rule 180(b)(2)(I) of the United States District Court for the Eastern District of California.

**I. FEE FOR FILING AN APPLICATION FOR ADMISSION TO PRACTICE PRO HAC VICE**

The fee for filing an application for admission to practice pro hac vice is \$200.00. This fee is prescribed by the U.S. District Court for the Eastern District of California, and shall be paid to the Clerk, U.S. District Court. The receipt number issued by the District Court Clerk upon payment of the fee must be included in the pro hac vice application filed with the bankruptcy court. Applications submitted without a valid U.S. District Court receipt number will NOT BE PROCESSED. If the pro hac vice application is denied, any or all of the fee may be refunded by the U.S. District Court.

**II. APPLYING FOR ADMISSION TO PRACTICE PRO HAC VICE**

A. When applying for admission to practice pro hac vice, the **applicant** shall:

1. Pay the required \$200 filing fee by check, money order, cashier's check, or cash ONLY to the Clerk, U.S. District Court, Eastern District of California. Payment shall be mailed or delivered

to the U.S. District Court Clerk's Office (Sacramento Division: 501 I Street, Room 4-200, Sacramento, CA 95814; Fresno Division: 2500 Tulare Street, Room 1501, Fresno, CA 93721) with a certificate of good standing from the court in the attorney's state of primary practice. **(NOTE: A copy of the certificate of good standing must also accompany the application for admission to practice pro hac vice submitted to the bankruptcy court. See Item 2(d) of form EDC 2-600, Application for Admission to Practice Pro Hac Vice, and 4(d) and 2(b) below.)**

2. Write the receipt number issued by the District Court Clerk upon payment of the fee on the line provided in Item 2(f) of form EDC 2-600,
3. Complete the *Application* form in all other respects except for the lines provided below Item 3 for designated local counsel's signature and the date.
4. Date and sign<sup>1</sup> the application on the lines provided below Item 3 for applicant's signature and the date, and provide the signed application to designated local counsel with:
  - a. The continuation pages needed, if any, to complete Items 2(c) and 2(e);
  - b. A copy of the certificate of good standing mailed or delivered by the applicant to the District Court Clerk with the filing fee;
  - c. A proposed *Order Concerning Admission to Practice Pro Hac Vice*, form EDC 2-601, completed in all respects except for checking a box and inserting the date; and
  - d. Other documents, if any, relating to the pro hac vice application.

**B. Designated local counsel** shall then:

1. Review the information provided by the applicant on form EDC 2-600, *Application for Admission to Practice Pro Hac Vice*. Date and sign<sup>2</sup> the application on the lines provided below Item 3 for designated local counsel's signature and date.
2. Prepare the application, continuation pages (if any), certificate of good standing, and proposed order for filing electronically as follows:
  - a. Combine the application, continuation pages (if any), and pro hac vice counsel's certificate of good standing to create one PDF document that includes all three.
  - b. Create another PDF document that includes pro hac vice counsel's proposed EDC 2-601, *Order Concerning Admission to Practice Pro Hac Vice*.
  - c. Create PDF documents of the other documents, if any, relating to the pro hac vice application.

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<sup>1</sup> The completed application provided to designated local counsel by the applicant is the original signed copy and must contain the applicant's handwritten signature.

<sup>2</sup> Subject to the requirements set forth in Local Bankruptcy Rule 9004-1(c), "/s/ Name" may be used on the electronically filed application to indicate the signature of the applicant and/or designated local counsel.

3. Electronically file the application, proposed order, and any related documents with the bankruptcy court.

- a. For Single File Upload

- (i) For submission of the application document, use the Filing Type **MOTIONS/RESPONSES/OBJECTIONS/ORDERS**, the Document Type **Other Motion/Initiating Document**, and the Document SubType **Application for Admission to Practice Pro Hac Vice**.
- (ii) Use the Filing Type **MOTIONS/RESPONSES/OBJECTIONS/ORDERS**, the Document Type **For Judge's or Deputy Clerk's Signature**, and the Document SubType **Proposed Order Concerning Pro Hac Vice Admission** for submission of the proposed order.
- (iii) Use the Filing Type **MOTIONS/RESPONSES/OBJECTIONS/ORDERS** and the appropriate Document Type and Document Subtype for submission of any other documents relating to the pro hac vice application.

- b. For Batch Upload

- (i) Use document type code **APLCPHV** in the PDF filename for the application document, and document type code **POPHV** in the PDF filename for the proposed order.
- (ii) Submit the application, proposed order, and any related documents as part of a **Motions/Objections and Supporting Documents** batch.

### III. ELECTRONIC FILING OF DOCUMENTS BY PRO HAC VICE COUNSEL

Attorneys admitted to practice in this Court pro hac vice are eligible to register as users of the court's electronic filing system. Pro hac vice attorneys will be considered 'attorneys who regularly practice' in this district within the meaning of Local Rule 5005-1(c)(2) and will, therefore, be required to register as users of the court's electronic filing system if they file more than a just a few documents. E-filing training will be waived for attorneys who have previously registered to electronically file documents in one or more CM/ECF districts. To register for electronic filing with the bankruptcy court, complete the online *Electronic Filing System Registration Form and User Agreement* available by clicking the **e-Filing Registration** link, located in the upper left hand corner of court's Internet home page at [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov).